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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,166	09/09/2004	Lee Underwood	8830-297	4097
23973 7590 12/10/2007 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			EXAMINER NICOLAS, FREDERICK C	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/507,166

**Applicant(s)**

UNDERWOOD, LEE

**Examiner**

Frederick C. Nicolas

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-30 and 32-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-30 and 32-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 28,50-51,56 are rejected under 35 U.S.C. 102(e) as being anticipated by McGarrah 6,240,829.

McGarrah discloses a water purification apparatus having an inlet (22) and an outlet (12a), and at least one water purification means thereinbetween (col. 3, ll. 25-32), wherein the outlet includes at least a first water release means (18) and a second water release means (20), the first release means being operable at a first flow rate, and the second release means being operable at a second flow rate, the first flow rate differing from the second flow rate (as seen in Figure 2, col. 3, ll. 44-67 onto col. 4, ll. 1-42), wherein the first water release means and second water release means combine their flows prior to dispense of the flow from the outlet as seen in Figure 1.

The device shown by McGarrah will perform the method recited in claims 51,56 during normal operational use of the device.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28-30,32-49,51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souza 5,817,231 in view of Shannon et al. 3,991,911.

Souza discloses water purification apparatus having an inlet and an outlet, and at least one water purification means thereinbetween as seen in Figure 1, wherein the outlet includes at least a first water release means (156) and a second water release means (157), the first release means being operable at a first flow rate, and the second release means being operable at a second flow rate, the first flow rate differing from the second flow rate (col. 6, ll. 10-67 onto col. 7, ll. 1-67 onto col. 8, ll. 1-44), wherein the outlet includes further water release means as seen in Figure 1, wherein the outlet includes further water release means as seen in Figure 1, wherein the water release means operate in parallel as seen in Figure 1, one or more pump (70), a recirculation system (col. 6, ll. 43-65), the water release means are operable automatically (col. 7, ll. 50-65), control means (200), one or more alarm means (col. 7, ll. 8-25). Souza lacks that the first flow rate differing from the second flow rate. Shannon teaches the used of a first product release means (S1) having a first flow rate and a second product release means (S2) having a second flow rate, where the first flow rate of the first product

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release means differing from the second flow rate of the second product release means (col. 31, ll. 62-68 onto col. 32, ll. 1-57).

It would have been obvious to one having ordinary skill in the art to utilize the teaching of Shannon et al. onto the Souza's first and second water release means, in order to prevent any undesirable dispensing condition such as splashing of the product due to high rate of flow as taught by Shannon et al. in (col. 31, ll. 62-68 onto col. 32, ll. 1-57).

With respect to claim 36, the claimed subject matter "wherein the at least one water release means is operable at a relatively slow flow rate of up to 0.1 litres per minute, the at least one water release means is operable at a relatively fast flow rate of up to 2 litres per minute".

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the at least one water release means of Souza and Shannon et al. to be operable at a relatively slow flow rate of up to 0.1 litres per minute and at a relatively fast flow rate of up to 2 litres per minute, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. As per MPEP 2144.05

The device shown by Souza will perform the method recited in claims 51-56 during normal operational use of the device.

### ***Response to Arguments***

5. Applicant's arguments filed 9/18/2007 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Credle, Jr. et al. 4,741,355, Coppola et al. 4,372,352, Field 3,873,004, McSpdden et al. 4,876,653, Senner et al. 6,355,177, Melendez et al. 6,374,845, Larkner et al. 6,328,881 and Flatow 4,204,956 disclose other type of water purification apparatus.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

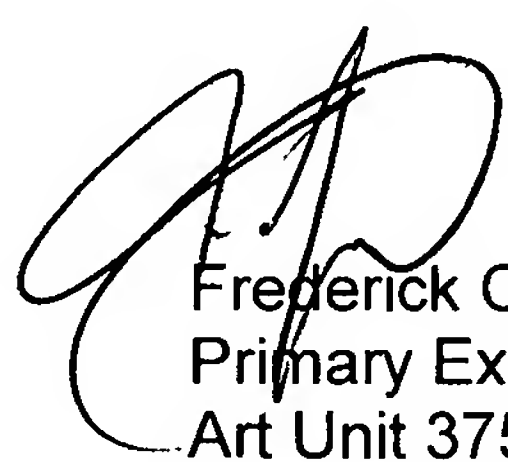
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN

November 30, 2007

 11/30/07  
Frederick C. Nicolas  
Primary Examiner  
Art Unit 3754